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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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10 11 TREVON R. KIRKLAND,

12 Plaintiff,

13 v.

14 D. SMITH, et al.,

15 Defendants.

Case No.: 1:23-cv-00602-JLT-CDB

**ORDER GRANTING DEFENDANTS' EX
PARTE APPLICATION TO EXTEND TIME
WITHIN WHICH TO FILE RESPONSIVE
PLEADING**

(Doc. 36)

16
17 Plaintiff Trevor R. Kirkland is proceeding pro se in this civil rights action pursuant to 42
18 U.S.C. § 1983.

19 **I. BACKGROUND**

20 Following service of Plaintiff's complaint on Defendants Bucato, Moore, and Smith,
21 Defendants waived personal service, and a responsive pleading was due to be filed no later than
22 April 22, 2025. (Doc. 35.)

23 On April 21, 2025, Defendants filed an ex parte application to extend the deadline for
24 filing a responsive pleading. (Doc. 36.)

25 **II. DISCUSSION**

26 Defendants request an extension of 30-days within which to file a responsive pleading.
27 (Doc. 36 at 1.) Defense counsel declares that although he has been diligent in seeking necessary
28 documentation, he has not yet received Plaintiff's complete central file and other relevant

1 documents, including information relating to any internal investigation of Plaintiff's excessive
2 force claims. (Doc. 36-1 at 2, ¶¶ 4, 6.) Counsel declares he needs to receive and review those
3 documents to respond to Plaintiff's allegations. (*Id.*, at ¶ 5.) Defendants have not sought a
4 previous extension of the filing deadline and do not seek the requested extension to delay or
5 harass Plaintiff, or for any other improper purpose. (*Id.*, ¶¶ 7-8.)

6 **III. CONCLUSION AND ORDER**

7 Accordingly, and for good cause shown, **IT IS HEREBY ORDERED** that:

8 1. Defendants' request for an extension of time within which to file a responsive
9 pleading (Doc. 36) is **GRANTED**; and
10 2. Defendants **SHALL** file a responsive pleading **no later than May 22, 2025**.

11 IT IS SO ORDERED.

12 Dated: April 22, 2025


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UNITED STATES MAGISTRATE JUDGE

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